

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Case 1:18-cr-20489

Plaintiff,

V.

JAMES D. PIERON, JR.,

Defendant.

DEFENDANT'S MOTION IN LIMINE

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant” or “Pieron”), by and through undersigned counsel, Michael Louis Minns and Ashley Blair Arnett, and in the event Defendant’s Motion to Dismiss is not granted respectfully requests this Court to issue an order precluding the Government from presenting specific evidence to the jury pursuant to Rule 404(b) of the Federal Rules of Evidence, for the reasons set forth in the Memorandum in Support of Defendant’s Motion in Limine filed herewith.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett

Michael Louis Minns
State Bar No. 14184300
mike@minnslaw.com
Ashley Blair Arnett
State Bar No. 24064833
ashley@minnslaw.com
9119 S. Gessner, Suite 1
Houston, Texas 77074

Telephone: (713) 777-0772
Telecopy: (713) 777-0453

Kenneth R. Sasse, PLLC

/s/ Kenneth R. Sasse

Kenneth R. Sasse
State Bar. No. P24365
27 E. Flint Street, 2nd Floor
Lake Orion, Michigan 48362
Telephone: (248) 821-7325

Attorneys for James Pieron, Jr.

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**MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION IN LIMINE**

TO THE HONORABLE COURT:

NOW COMES DEFENDANT, James D. Pieron, Jr. (“Defendant” or “Pieron”), by and through undersigned counsel, Michael Louis Minns and Ashley Blair Arnett, and submits this Memorandum in Support of Defendant’s Motion in Limine, respectfully requesting that this Court issue an order precluding the Government from presenting specific evidence to the jury pursuant to Rule 404(b) of the Federal Rules of Evidence for the reasons that follow.

In the instant case, the Defendant is charged in a one-count Indictment with tax evasion in violation of 26 U.S.C. § 7201. Pieron was once business partners with Trevor Cook (“Cook”). Cook was found guilty of operating a Ponzi scheme. Any mention of Cook or the Ponzi scheme is not properly admissible under Rule 404(b) because it is not relevant to any issue before this Court. *See United States v. Davis*, 707 F.2d 880 (6th Cir. 1983) (generally, evidence tending to show a criminal propensity based on other conduct must be excluded because a jury might convict for that conduct, rather than for the criminal conduct with which the defendant stands charged).

Assuming, *arguendo*, that said evidence were determined to be relevant, its probative value is substantially outweighed by the danger of unfair prejudice to the Defendant and, as such, is not admissible under Federal Rule of Evidence 403. *United States v. LaVictor*, 848 F.3d 428, 445 (6th Cir.), *cert. denied*, 137 S. Ct. 2231 (2017).

Further the

WHEREFORE, this Court is respectfully urged to issue an Order precluding the Government from offering evidence of conduct relating to Cook and/or the Ponzi scheme.

Respectfully submitted on October 31, 2018

MINNS & ARNETT

/s/ Ashley Blair Arnett
Michael Louis Minns
State Bar No. 14184300
mike@minnslaw.com
Ashley Blair Arnett
State Bar No. 24064833
ashley@minnslaw.com
9119 S. Gessner, Suite 1
Houston, Texas 77074
Telephone: (713) 777-0772
Telecopy: (713) 777-0453

Kenneth R. Sasse, PLLC

/s/ Kenneth R. Sasse
Kenneth R. Sasse
State Bar. No. P24365
27 E. Flint Street, 2nd Floor
Lake Orion, Michigan 48362
Telephone: (248) 821-7325

Attorneys for James Pieron, Jr.

CERTIFICATE OF CONFERENCE

On October 30, 2018, the undersigned email AUSA Janet Parker. AUSA Parker responded that without more information she could not give me a position on Defendant's Motion in Limine.

/s/ Ashley Blair Arnett
Ashley Blair Arnett

CERTIFICATE OF SERVICE

This is to certify that on this the 31st day of October 2018, a true and correct copy of the above and foregoing instrument was served upon all counsel of record.

/s/ Ashley Blair Arnett
Ashley Blair Arnett